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DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

As the below-named inventors, we hereby declare  
that:

My residence, post office address and citizenship  
are as stated below next to my name.

I believe I am an original, first and joint inventor  
of the subject matter which is claimed and for which a patent  
is sought on the invention entitled **RECOMBINANT ADENOVIRAL  
VECTOR AND METHODS OF USE**, the specification of which

\_\_\_\_\_ is attached hereto.

XXXX

was filed on **October 25, 1994**, (Attorney  
Docket No. **P-CJ 1192** ) as Application  
Serial No. **08/328,673**.

and was amended on (or amended through) \_\_\_\_\_.  
(if applicable)

I hereby state that I have reviewed and understand  
the contents of the above-identified specification, including  
the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which  
is material to the examination of this application in  
accordance with Title 37, Code of Federal Regulations, Sec.  
1.56(a).

I hereby claim the benefit under Title 35, United  
States Code, §120 of any United States application(s) listed  
below and, insofar as the subject matter of each of the claims  
of this application is not disclosed in the prior United  
States application in the manner provided by the first  
paragraph of Title 35, United States Code §112, I acknowledge  
the duty to disclose material information as defined in Title  
37, Code of Federal Regulations, §1.56(a) which occurred  
between the filing date of the prior application(s) and the

Gregory et al.  
Serial No.: 08/328,673  
Filed: October 25, 1994  
Page 2

national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
08/233,777	May 19, 1994	Pending
08/142,669	October 25, 1993	Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

CATHRYN CAMPBELL, Registration No. 31,815; CHRISTINE BELLAS, Registration No. 34,122; SUSAN M. PERKINS, Registration No. 36,405; RICHARD J. IMBRA, Registration No. 37,643; PAUL C. STEINHARDT, Registration No. 30,806; GREGORY R. HOOK, Registration No. P38,701; and DAVID SPOLTER, Registration No. 36,933. Direct all telephone calls to Cathryn Campbell at telephone no. (619) 535-9001.

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Gregory et al.  
Serial No.: 08/328,673  
Filed: October 25, 1994  
Page 3

Full name of first inventor: RICHARD J. GREGORY 1-00

Inventor's signature: Richard J. Gregory

Date: 11/23/94

Residence: Carlsbad, California CA

Citizenship: United States

Post Office Address: 4789 Gateshead Road  
Carlsbad, California

Full name of second inventor: KEN N. WILLS 2-00

Inventor's signature: Ken N. Wills

Date: 11/23/94

Residence: Encinitas, California CA

Citizenship: United States

Post Office Address: 821 Bluffcrest Lane  
Encinitas, California

Full name of third inventor: DANIEL C. MANEVAL 3-00

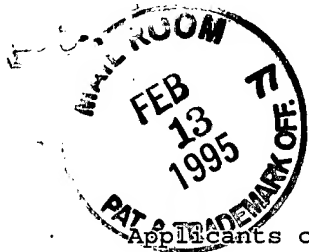
Inventor's signature: Daniel C. Maneval

Date: 11/23/94

Residence: San Diego, California CA

Citizenship: United States

Post Office Address: 12578 Cavallo Street  
San Diego, California



Docket No. P-CJ 1192

Applicants or Patentees: Gregory et al.

Serial or Patent No.: 08/328,673

Filed or Issued: October 25, 1994

For: RECOMBINANT ADENOVIRAL VECTOR AND METHODS OF USE

VERIFIED STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS (37 CFR 1.9(F) AND 1.27(C))

SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN:  
ADDRESS OF SMALL BUSINESS CONCERN:

CANJI, INC.  
3030 Science Park Road, Suite 302  
San Diego, California 92121

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **RECOMBINANT ADENOVIRAL VECTOR AND METHODS OF USE** by inventors **Richard J. Gregory, Ken N. Wills, and Daniel C. Maneval** as described in

- ☐ the specification filed herewith
- ☒ application serial no. 08/328,673, filed October 25, 1994.
- ☐ patent no. , issued .

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention

Gregory et al.  
Serial No.: 08/328,673  
Filed: October 25, 1994  
Page 2

is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

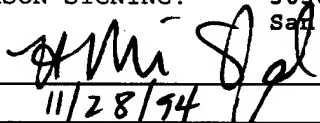
NAME:

ADDRESS:

- ☐ INDIVIDUAL  
☐ SMALL BUSINESS CONCERN  
☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: H. Michael Shepard, Ph.D.  
TITLE IN ORGANIZATION: Vice President, Research  
ADDRESS OF PERSON SIGNING: 3030 Science Park Road, Suite 302  
San Diego, California 92121  
SIGNATURE:   
DATE: 11/28/94